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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,358	03/30/2006	Tsutomu Yajima	NNA-222-B	5858
48980	7590	10/05/2009		
YOUNG BASILE 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084			EXAMINER COOLMAN, VAUGHN	
			ART UNIT 3618	PAPER NUMBER
			NOTIFICATION DATE 10/05/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com  
audit@youngbasile.com

### Office Action Summary

**Application No.**

10/574,358

**Applicant(s)**

YAJIMA, TSUTOMU

**Examiner**

VAUGHN T. COOLMAN

**Art Unit**

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by**

**Takedoni et al (U.S. Patent Application Publication No. US 2003/0226653 A1).**

[**claim 1**] Takedoni discloses an inverter buffer structure for a vehicle, comprising:

a buffer member (10) disposed with an inverter (11) in an engine compartment of the vehicle and provided between the inverter and a radiator core (2) support that constitutes a portion of a frame of the vehicle. Examiner notes that a standard vehicle as disclosed by Takedoni inherently possesses a frame that is inherently capable of providing support, either directly or indirectly, for the radiator core (2).

[**claim 11**] Takedoni further shows the buffer member being an air intake part (air cleaner).

**Claims 1-10, and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by**

**Asao et al (U.S. Patent Application Publication No. US 2004/0251858 A1).**

**[claims 1 and 12]** Asao discloses an inverter buffer structure for a vehicle, comprising:  
a buffer member (6) disposed with an inverter (400) in an engine compartment of the vehicle and provided between the inverter and a radiator core support that constitutes a portion of a frame of the vehicle. Examiner notes that the vehicle shown by Asao inherently possesses a frame that is inherently capable of providing support for a radiator core.

**[claims 2 and 16]** Asao further shows a restraining means (16a) for restraining a lower surface of the buffer member in a front-to-rear-direction of the vehicle.

**[claims 3 and 13]** Asao further shows the buffer member being supported by a bracket (401) provided on the inverter itself.

**[claims 5 and 14]** Asao further shows a restraining means (16a) for restraining a lower surface of the buffer member in a front-to-rear-direction of the vehicle.

**[claim 6]** Asao further shows a prescribed space (thickness of 16a) being provided between the buffer member and the inverter.

**[claim 7]** Asao further shows a restraining means (16a) for restraining a lower surface of the buffer member in a front-to-rear-direction of the vehicle.

**[claim 9]** Examiner notes that it is clear that a deformation of item 16a or a deformation of item 6 would act to reduce an incoming force to the vehicle in the event of a collision.

**[claim 10]** Asao further discloses the inverter being located on a first side of the vehicle and an engine of the vehicle being located on a second side of the vehicle that is opposite the first side.

**[claim 17]** Asao further shows a prescribed space (thickness of 16a) being provided between the buffer member and the inverter.

[claims 4, 8, 15, and 18] Asao further discloses the bracket being positioned higher (paragraph 0052) than an upper surface of the radiator core support. Examiner notes that a radiator is generally supported directly or indirectly by the vehicle frame at both the bottom and top of the radiator core. As such, the height of the bracket must be positioned higher than one of the many upper surfaces of the vehicle frame.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see attached form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAUGHN T. COOLMAN whose telephone number is (571)272-6014. The examiner can normally be reached on Monday thru Friday, 10am-8pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VAUGHN T COOLMAN  
Examiner  
Art Unit 3618

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